

## EXTENDING CERTAIN VETERANS' BENEFITS TO OR ON BEHALF OF DEPENDENT HUSBANDS AND WIDOWERS OF FEMALE VETERANS

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JUNE 13, 1951.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. RANKIN, from the Committee on Veterans' Affairs, submitted the  
following

### REPORT

[To accompany H. R. 301]

The Committee on Veterans' Affairs, to whom was referred the bill (H. R. 301), a bill to extend certain veterans' benefits to or on behalf of dependent husbands and widowers of female veterans, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

On page 1 strike out all of lines 3 to 11 inclusive and insert in lieu thereof the following:

That as used in those provisions of laws administered by the Veterans' Administration relating to compensation, pension, retirement pay, and subsistence allowance the terms "wife" and "dependent" shall include a dependent husband, and the term "widow" shall include a widower whenever his condition is such that, if his deceased wife were living, he would be dependent upon her for support: *Provided*, That benefits hereunder shall not be allowed a widower who has remarried, and where benefits are properly discontinued by reason of marriage, they shall not thereafter be recommenced.

On page 1, line 12, strike out "3" and insert "2".

### EXPLANATION OF THE BILL

The purpose of this bill is to provide that, in those provisions of laws administered by the Veterans' Administration which relate to compensation, pension, retirement pay, and subsistence allowance, the terms "wife" and "dependent" shall include a dependent husband and the term "widow" shall include a widower whenever his condition is such that, if his wife were living, he would be dependent upon her for support.

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The laws relating to this subject have not followed a uniform course in their historical development. Under some laws the widower or dependent husband of a female veteran has been entitled to certain benefits. Others have not included him.

Remarriage of the widower would bar receipt of any benefits under this proposal, and the question of dependency would be determined administratively.

The committee believes that such legislation is highly desirable, both on the basis of providing uniformity and because it is sound policy to make the benefits available to the dependent husbands or widowers of female veterans in the same manner as they are available to the wives and widows of male veterans. In view of the service rendered to the country during World War II particularly, and to a lesser extent during World War I, by female components of the Armed Forces, it is believed that such action is only fair and just.

There are approximately 300,000 living female veterans of World War II, and there is no information on which to base an estimate of the number who would be affected by the passage of this legislation. Therefore, no fixed-cost estimate can be provided.

The report of the Veterans' Administration on a prior bill, H. R. 5853, Eighty-first Congress, is as follows:

VETERANS' ADMINISTRATION,  
Washington 25, D. C., December 22, 1949.

HON. JOHN E. RANKIN,  
*Chairman, Committee on Veterans' Affairs,*  
*House of Representatives, Washington 25, D. C.*

DEAR MR. RANKIN: Further reference is made to your letter of August 8, 1949, requesting a report on H. R. 5853, Eighty-first Congress, a bill to extend certain veterans' benefits to or on behalf of dependent husbands and widowers of female veterans, the text of which is as follows:

"That as used in all laws administered by the Veterans' Administration the terms 'wife' and 'dependent' shall include a dependent husband, and the term 'widow' shall include a widower whenever his condition is such that, if his deceased wife were living, he would be dependent upon her for support.

"SEC. 2. This Act shall not be construed to abridge rights or benefits under any law administered by the Veterans' Administration.

"SEC. 3. This Act shall take effect on the first day of the second calendar month next succeeding its enactment."

The purpose of the bill is to make available to or on account of dependent widowers and dependent husbands of female veterans those benefits under laws administered by the Veterans' Administration which are now authorized for wives and widows of male veterans.

With certain exceptions the husbands and widowers of female veterans are not eligible to receive benefits administered by the Veterans' Administration. If enacted, the bill would have the following principal effects:

(1) Dependent husbands would be included for the purpose of entitlement of a female veteran to the additional compensation provided on account of a "wife" by Public Law 877, Eightieth Congress, approved July 2, 1948, as amended, where the veteran's disability is rated not less than 50 percent.

(2) The dependent husband of a female veteran pursuing education or training under title II of the Servicemen's Readjustment Act or Public Law 16, Seventy-eighth Congress, would be classified as a "dependent" for purposes of the increased subsistence allowance payable to an eligible veteran by reason of dependents.

(3) Dependent widowers of deceased female veterans would become eligible for death compensation or death pension if other requirements were met.

The committee will no doubt desire to consider the general situation now and heretofore existing concerning the status of husbands and widowers under laws administered by the Veterans' Administration.

Section 202 (13) of the World War Veterans' Act, 1924, as amended, defined the term "wife" to include "husband" if the husband is dependent upon the wife for support, for purposes of payment of additional compensation for dependents.

The same definition became applicable under Public, No. 141, Seventy-third Congress, March 28, 1934, as amended, when that law restored with limitations the pertinent provisions of the World War Veterans' Act, 1924, as amended. However, section 1 of Public Law 144, Seventy-eighth Congress, approved July 13, 1943, provided that the administrative, definitive, and regulatory provisions of Public, No. 2, Seventy-third Congress, and veterans' regulations thereunder, would be applicable to benefits provided under various laws, including Public, No. 141, Seventy-third Congress, as amended.

Under Public, No. 2, Seventy-third Congress, as amended, and applicable regulations issued pursuant thereto, a husband is not considered to be a dependent. The administrative, definitive, and penal provisions under that law are applicable to the Servicemen's Readjustment Act of 1944, as amended, by virtue of the specific provisions of section 1500 (a) of the latter act. Accordingly, a husband is not considered a dependent for purposes of the payment of subsistence allowance under the education and training provisions thereof.

As originally enacted, Public Law 16, Seventy-eighth Congress, approved March 24, 1943, included for the purpose of payment of monetary benefits to a disabled trainee "additional amounts for wife, husband, child or children, and dependent parents" as provided by section 202 of the World War Veterans' Act, 1924, as amended. However, this provision was amended by Public Law 268, Seventy-ninth Congress, approved December 28, 1945, to provide for payment of subsistence allowance as prescribed by the Servicemen's Readjustment Act, with the result that a husband was no longer considered as a "dependent" for this purpose.

The act of July 2, 1948 (Public Law 877, 80th Cong.), as amended, authorizes the payment of additional compensation on account of a wife, child, dependent mother or father or both, of a veteran entitled to compensation at wartime rates for disability incurred in or aggravated by active service as provided in part I, or paragraph I (c), part II, Veterans Regulation No. 1 (a), as amended, or the World War Veterans' Act, 1924, as amended and restored with limitations by Public, No. 141, Seventy-third Congress, where the disability of the veteran is rated not less than 50 percent. Similar provision is made for veterans of the Regular Establishment. This law makes no provision for additional compensation for women veterans who have dependent husbands.

With respect to death compensation, it may be noted that section 201 (6) of the World War Veterans' Act, 1924, as amended, defined the term "widow" to include "widower" whenever his condition is such that if the deceased person were living he would have been dependent upon her for support. This definition again became applicable when the provisions of the World War Veterans' Act, 1924, concerning death compensation were restored, with limitations, by Public, No. 141, Seventy-third Congress. Subsequently, however, it was provided by law, beginning with Public, No. 304, Seventy-fifth Congress, August 16, 1937, that for the purposes of compensation under laws administered by the Veterans' Administration, the term "widow of a World War veteran" shall mean a "woman," and existing law (sec. 3, Public Law 483, 78th Cong., December 14, 1944) contains a similar provision. Under Public, No. 2, Seventy-third Congress, as amended, and veterans regulations thereunder (pt. I and pt. II, Veterans Regulation No. 1 (a), as amended), the grant of death compensation to the widow of a person who died as the result of service-connected causes does not extend to a "widower" or "dependent widower." Hence, existing laws relative to death compensation would not authorize the award of benefits on a currently arising claim by a widower of a deceased female veteran.

Laws granting pension on account of the death of a veteran not due to service have not included the widower of a deceased female veteran as a member of the eligible class. Public, No. 484, Seventy-third Congress, approved June 28, 1934, as amended, limits the death pension benefits provided thereby in cases of the death of World War I veterans, to widows and children. Similarly, Public Law 483, Seventy-eighth Congress, approved December 14, 1944, restricts death pension in World War II cases to widows and children of deceased veterans. Likewise, the laws conferring death pension benefits on certain dependents of deceased veterans of wars prior to World War I do not extend these benefits to widowers or dependent widowers.

In this connection, it is observed that the bill contains no provision excluding from the eligible class remarried dependent widowers of deceased female veterans. Under certain of the earlier laws granting death benefits, remarriage of a widow is not a bar to entitlement where the subsequent marriage has been terminated by death or under certain other prescribed conditions. This primarily involves cer-

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tain laws authorizing death pension for the dependents of deceased veterans of wars prior to World War I. Under laws granting death compensation or death pension for widows of World War I or World War II veterans, remarriage operates as a permanent bar unless the marriage be void or annulled.

The World War Adjusted Compensation Act, as amended, specifically defined the term "widow" as used in connection with the benefits of that act to include "widower," and the term "dependent" as including "widower."

The bill refers to "all laws" administered by the Veterans' Administration. However, it is assumed that this is not intended to operate restrictively with respect to benefits which may already be provided by law for husbands or widowers. For example, the National Service Life Insurance Act of 1940, as amended, directs that under certain conditions, insurance shall be payable to a "widower," without any requirement of dependency. The committee may wish to consider the desirability of making the apparently basic purposes of the bill entirely clear by specifically limiting it to those laws administered by the Veterans' Administration relating to compensation, pension, retirement pay, and subsistence allowance.

It is apparent from the foregoing that the legislative policy with relation to the eligibility of dependent husbands or widowers for benefits administered by the Veterans' Administration has not followed a uniform course in the historical development of the program of veterans' benefits. However, in the fields of veterans' compensation, pension, and subsistence allowance, the current policy of the Congress, as reflected by existing laws, is to withhold these benefits from widowers and husbands, irrespective of the question of actual dependency. The proposal under consideration, therefore, presents a basic question of policy for the determination of the Congress.

Inasmuch as the Veterans' Administration does not have available data concerning the number of female veterans with dependent husbands or of deceased female veterans leaving a dependent widower, an estimate of cost of the bill in the event of its enactment cannot be presented. In this connection the committee may be interested in the fact that there are approximately 300,000 living female veterans of World War II, constituting around 2 percent of the total number of living World War II veterans. Similar information as to female veterans of other wars or the peacetime service is not presently available.

Advice has been received from the Bureau of the Budget that there would be no objection to the submission of this report to your committee.

Sincerely yours,

CARL R. GRAY, Jr., *Administrator.*

